

Calendar No. 278

108TH CONGRESS
1ST SESSION

H. R. 2765

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2003

Received; read twice and placed on the calendar

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 District of Columbia for the fiscal year ending September
6 30, 2004, and for other purposes, namely:

7 **TITLE I—FEDERAL FUNDS**

8 **FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT**

9 For a Federal payment to the District of Columbia,
10 to be deposited into a dedicated account, for a nationwide
11 program to be administered by the Mayor, for District of
12 Columbia resident tuition support, \$17,000,000, to remain
13 available until expended: *Provided*, That such funds, in-
14 cluding any interest accrued thereon, may be used on be-
15 half of eligible District of Columbia residents to pay an
16 amount based upon the difference between in-State and
17 out-of-State tuition at public institutions of higher edu-
18 cation, or to pay up to \$2,500 each year at eligible private
19 institutions of higher education: *Provided further*, That the
20 awarding of such funds may be prioritized on the basis
21 of a resident's academic merit, the income and need of
22 eligible students and such other factors as may be author-
23 ized: *Provided further*, That the District of Columbia gov-
24 ernment shall maintain a dedicated account for the Resi-
25 dent Tuition Support Program that shall consist of the

1 Federal funds appropriated to the Program in this Act
2 and any subsequent appropriations, any unobligated bal-
3 ances from prior fiscal years, and any interest earned in
4 this or any fiscal year: *Provided further*, That the account
5 shall be under the control of the District of Columbia
6 Chief Financial Officer who shall use those funds solely
7 for the purposes of carrying out the Resident Tuition Sup-
8 port Program: *Provided further*, That the Office of the
9 Chief Financial Officer shall provide a quarterly financial
10 report to the Committees on Appropriations of the House
11 of Representatives and Senate for these funds showing,
12 by object class, the expenditures made and the purpose
13 therefor: *Provided further*, That not more than 7 percent
14 of the total amount appropriated for this program may
15 be used for administrative expenses.

16 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
17 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

18 For necessary expenses, as determined by the Mayor
19 of the District of Columbia in written consultation with
20 the elected county or city officials of surrounding jurisdic-
21 tions, \$15,000,000, to remain available until expended, to
22 reimburse the District of Columbia for the costs of pro-
23 viding public safety at events related to the presence of
24 the national capital in the District of Columbia, and for
25 the costs of providing support to respond to immediate

1 and specific terrorist threats or attacks in the District of
2 Columbia or surrounding jurisdictions: *Provided*, That any
3 amount provided under this heading shall be available only
4 after notice of its proposed use has been transmitted by
5 the President to Congress and such amount has been ap-
6 portioned pursuant to chapter 15 of title 31, United
7 States Code.

8 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
9 COURTS

10 For salaries and expenses for the District of Colum-
11 bia Courts, \$163,819,000, to be allocated as follows: for
12 the District of Columbia Court of Appeals, \$8,775,000,
13 of which not to exceed \$1,500 is for official reception and
14 representation expenses; for the District of Columbia Su-
15 perior Court, \$83,387,000, of which not to exceed \$1,500
16 is for official reception and representation expenses; for
17 the District of Columbia Court System, \$40,006,000, of
18 which not to exceed \$1,500 is for official reception and
19 representation expenses: and \$31,651,000, to remain
20 available until September 30, 2005, for capital improve-
21 ments for District of Columbia courthouse facilities: *Pro-*
22 *vided*, That funds made available for capital improvements
23 shall be expended consistent with the General Services Ad-
24 ministration master plan study and building evaluation re-
25 port: *Provided further*, That notwithstanding any other

24 For payments authorized under section 11-2604 and
25 section 11-2605, D.C. Official Code (relating to represen-

1 tation provided under the District of Columbia Criminal
2 Justice Act), payments for counsel appointed in pro-
3 ceedings in the Family Court of the Superior Court of the
4 District of Columbia under chapter 23 of title 16, D.C.
5 Official Code, and payments for counsel authorized under
6 section 21–2060, D.C. Official Code (relating to represen-
7 tation provided under the District of Columbia Guardian-
8 ship, Protective Proceedings, and Durable Power of Attor-
9 ney Act of 1986), \$32,000,000, to remain available until
10 expended: *Provided further*, That the funds provided in
11 this Act under the heading “Federal Payment to the Dis-
12 trict of Columbia Courts” (other than the \$31,651,000
13 provided under such heading for capital improvements for
14 District of Columbia courthouse facilities) may also be
15 used for payments under this heading: *Provided further*,
16 That in addition to the funds provided under this heading,
17 the Joint Committee on Judicial Administration in the
18 District of Columbia shall use funds provided in this Act
19 under the heading “Federal Payment to the District of
20 Columbia Courts” (other than the \$31,651,000 provided
21 under such heading for capital improvements for District
22 of Columbia courthouse facilities), to make payments de-
23 scribed under this heading for obligations incurred during
24 any fiscal year: *Provided further*, That funds provided
25 under this heading shall be administered by the Joint

1 Committee on Judicial Administration in the District of
2 Columbia: *Provided further*, That notwithstanding any
3 other provision of law, this appropriation shall be appor-
4 tioned quarterly by the Office of Management and Budget
5 and obligated and expended in the same manner as funds
6 appropriated for expenses of other Federal agencies, with
7 payroll and financial services to be provided on a contrac-
8 tual basis with the General Services Administration
9 (GSA), said services to include the preparation of monthly
10 financial reports, copies of which shall be submitted di-
11 rectly by GSA to the President and to the Committees
12 on Appropriations of the House of Representatives and
13 Senate, the Committee on Government Reform of the
14 House of Representatives, and the Committee on Govern-
15 mental Affairs of the Senate.

16 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
17 FENDER SUPERVISION AGENCY FOR THE DISTRICT
18 OF COLUMBIA

19 (INCLUDING TRANSFER OF FUNDS)

20 For salaries and expenses, including the transfer and
21 hire of motor vehicles, of the Court Services and Offender
22 Supervision Agency for the District of Columbia, as au-
23 thorized by the National Capital Revitalization and Self-
24 Government Improvement Act of 1997, \$163,081,000, of
25 which not to exceed \$2,000 is for official receptions and

1 representation expenses related to Community Supervision
2 and Pretrial Services Agency programs; of which not to
3 exceed \$25,000 is for dues and assessments relating to
4 the implementation of the Court Services and Offender
5 Supervision Agency Interstate Supervision Act of 2002;
6 of which \$100,460,000 shall be for necessary expenses of
7 Community Supervision and Sex Offender Registration, to
8 include expenses relating to the supervision of adults sub-
9 ject to protection orders or the provision of services for
10 or related to such persons; of which \$37,411,000 shall be
11 available to the Pretrial Services Agency; and of which
12 \$25,210,000 shall be transferred to the Public Defender
13 Service for the District of Columbia: *Provided*, That not-
14 withstanding any other provision of law, all amounts
15 under this heading shall be apportioned quarterly by the
16 Office of Management and Budget and obligated and ex-
17 pended in the same manner as funds appropriated for sal-
18 aries and expenses of other Federal agencies: *Provided fur-*
19 *ther*, That notwithstanding chapter 33 of title 40, United
20 States Code, the Director may acquire by purchase, lease,
21 condemnation, or donation, and renovate as necessary,
22 Building Number 17, 1900 Massachusetts Avenue, South-
23 east, Washington, District of Columbia to house or super-
24 vise offenders and defendants, with funds made available
25 for this purpose in Public Law 107–96: *Provided further*,

1 That the Director is authorized to accept and use gifts
2 in the form of in-kind contributions of space and hospi-
3 tality to support offender and defendant programs, and
4 equipment and vocational training services to educate and
5 train offenders and defendants: *Provided further*, That the
6 Director shall keep accurate and detailed records of the
7 acceptance and use of any gift or donation under the pre-
8 vious proviso, and shall make such records available for
9 audit and public inspection.

10 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

11 WATER AND SEWER AUTHORITY

12 For a Federal payment to the District of Columbia
13 Water and Sewer Authority, \$35,000,000, to remain avail-
14 able until expended, to continue implementation of the
15 Combined Sewer Overflow Long-Term Plan: *Provided*,
16 That the District of Columbia Water and Sewer Authority
17 provides a 100 percent match for this payment.

18 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT

19 INITIATIVE

20 For a Federal payment to the District of Columbia
21 Department of Transportation, \$4,300,000, to remain
22 available until September 30, 2005, for design and con-
23 struction of a continuous pedestrian and bicycle trail sys-
24 tem from the Potomac River to the District's border with
25 Maryland.

1 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE
2 COORDINATING COUNCIL

3 For a Federal payment to the Criminal Justice Co-
4 ordinating Council, \$1,300,000, to support initiatives re-
5 lated to the coordination of Federal and local criminal jus-
6 tice resources in the District of Columbia.

7 FEDERAL PAYMENT FOR CAPITAL DEVELOPMENT IN
8 THE DISTRICT OF COLUMBIA

9 For a Federal payment to the District of Columbia
10 for capital development, \$8,000,000, to remain available
11 until expended, for the Unified Communications Center.

12 FEDERAL PAYMENT FOR PUBLIC SCHOOL FACILITIES

13 For a Federal payment to the District of Columbia
14 Public Schools, \$4,500,000, of which \$500,000 shall be
15 for a window repair and reglazing program and
16 \$4,000,000 shall be for a playground repair and replace-
17 ment program.

18 FEDERAL PAYMENT FOR THE FAMILY LITERACY
19 PROGRAM

20 For a Federal payment to the District of Columbia,
21 \$2,000,000 for the Family Literacy Program to address
22 the needs of literacy-challenged parents while endowing
23 their children with an appreciation for literacy and
24 strengthening familial ties: *Provided*, That the District of

1 Columbia shall provide a 100 percent match with local
2 funds as a condition of receiving this payment.

3 FEDERAL PAYMENT FOR A DISTRICT OF COLUMBIA
4 SCHOLARSHIP PROGRAM

5 For a Federal payment for a District of Columbia
6 scholarship program, \$10,000,000, subject to authoriza-
7 tion.

8 FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER
9 OF THE DISTRICT OF COLUMBIA

10 For a Federal payment to the Chief Financial Officer
11 of the District of Columbia, \$10,000,000 for education,
12 public safety and health, economic development, and infra-
13 structure initiatives in the District of Columbia.

14 TITLE II—DISTRICT OF COLUMBIA FUNDS
15 OPERATING EXPENSES

16 DIVISION OF EXPENSES

17 The following amounts are appropriated for the Dis-
18 trict of Columbia for the current fiscal year out of the
19 general fund of the District of Columbia, except as other-
20 wise specifically provided: *Provided*, That notwithstanding
21 any other provision of law, except as provided in section
22 450A of the District of Columbia Home Rule Act (D.C.
23 Official Code, sec. 1–204.50a) and section 117 of this Act,
24 the total amount appropriated in this Act for operating
25 expenses for the District of Columbia for fiscal year 2004

1 under this heading shall not exceed the lesser of the sum
2 of the total revenues of the District of Columbia for such
3 fiscal year or \$6,326,138,000 (of which \$3,832,734,000
4 shall be from local funds, \$1,568,734,000 shall be from
5 Federal grant funds, \$910,904,000 shall be from other
6 funds, and \$13,766,000 shall be from private funds), in
7 addition, \$59,800,000 from funds previously appropriated
8 in this Act as Federal payments: *Provided further*, That
9 this amount may be increased by proceeds of one-time
10 transactions, which are expended for emergency or unan-
11 ticipated operating or capital needs: *Provided further*,
12 That such increases shall be approved by enactment of
13 local District law and shall comply with all reserve require-
14 ments contained in the District of Columbia Home Rule
15 Act as amended by this Act: *Provided further*, That the
16 Chief Financial Officer of the District of Columbia shall
17 take such steps as are necessary to assure that the Dis-
18 trict of Columbia meets these requirements, including the
19 apportioning by the Chief Financial Officer of the appro-
20 priations and funds made available to the District during
21 fiscal year 2004, except that the Chief Financial Officer
22 may not reprogram for operating expenses any funds de-
23 rived from bonds, notes, or other obligations issued for
24 capital projects.

1 GOVERNMENTAL DIRECTION AND SUPPORT

2 Governmental direction and support, \$284,415,000
3 (including \$206,825,000 from local funds, \$57,440,000
4 from Federal grant funds, and \$20,150,000 from other
5 funds), in addition, \$10,000,000 from funds previously
6 appropriated in this Act under the heading “Federal Pay-
7 ment to the Chief Financial Officer of the District of Co-
8 lumbia”: *Provided*, That not to exceed \$2,500 for the
9 Mayor, \$2,500 for the Chairman of the Council of the Dis-
10 trict of Columbia, \$2,500 for the City Administrator, and
11 \$2,500 for the Office of the Chief Financial Officer shall
12 be available from this appropriation for official purposes:
13 *Provided further*, That any program fees collected from the
14 issuance of debt shall be available for the payment of ex-
15 penses of the debt management program of the District
16 of Columbia: *Provided further*, That no revenues from
17 Federal sources shall be used to support the operations
18 or activities of the Statehood Commission and Statehood
19 Compact Commission: *Provided further*, That the District
20 of Columbia shall identify the sources of funding for Ad-
21 mission to Statehood from its own locally generated reve-
22 nues: *Provided further*, That notwithstanding any other
23 provision of law, or Mayor’s Order 86–45, issued March
24 18, 1986, the Office of the Chief Technology Officer’s del-
25 egated small purchase authority shall be \$500,000: *Pro-*

1 *vided further*, That the District of Columbia government
 2 may not require the Office of the Chief Technology Officer
 3 to submit to any other procurement review process, or to
 4 obtain the approval of or be restricted in any manner by
 5 any official or employee of the District of Columbia gov-
 6 ernment, for purchases that do not exceed \$500,000: *Pro-*
 7 *vided further*, That not to exceed \$25,000, to remain avail-
 8 able until expended, of the funds in the District of Colum-
 9 bia Antitrust Fund established pursuant to section 820
 10 of the District of Columbia Procurement Practices Act of
 11 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–308.20)
 12 is hereby made available for the use of the Office of the
 13 Corporation Counsel of the District of Columbia in accord-
 14 ance with the laws establishing this fund.

15 ECONOMIC DEVELOPMENT AND REGULATION

16 Economic development and regulation, \$276,647,000
 17 (including \$53,336,000 from local funds, \$91,077,000
 18 from Federal grant funds, \$132,109,000 from other
 19 funds, and \$125,000 from private funds), of which
 20 \$15,000,000 collected by the District of Columbia in the
 21 form of BID tax revenue shall be paid to the respective
 22 BIDs pursuant to the Business Improvement Districts Act
 23 of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–
 24 1215.01 et seq.), and the Business Improvement Districts
 25 Amendment Act of 1997 (D.C. Law 12–26; D.C. Official

1 Code, sec. 2–1215.15 et seq.): *Provided*, That such funds
 2 are available for acquiring services provided by the Gen-
 3 eral Services Administration: *Provided further*, That Busi-
 4 ness Improvement Districts shall be exempt from taxes
 5 levied by the District of Columbia.

6 PUBLIC SAFETY AND JUSTICE

7 Public safety and justice, \$745,958,000 (including
 8 \$716,715,000 from local funds, \$10,290,000 from Federal
 9 grant funds, \$18,944,000 from other funds, and \$9,000
 10 from private funds), in addition, \$1,300,000 from funds
 11 previously appropriated in this Act under the heading
 12 “Federal Payment to the Criminal Justice Coordinating
 13 Council”: *Provided*, That not to exceed \$500,000 shall be
 14 available from this appropriation for the Chief of Police
 15 for the prevention and detection of crime: *Provided further*,
 16 That the Mayor shall reimburse the District of Columbia
 17 National Guard for expenses incurred in connection with
 18 services that are performed in emergencies by the National
 19 Guard in a militia status and are requested by the Mayor,
 20 in amounts that shall be jointly determined and certified
 21 as due and payable for these services by the Mayor and
 22 the Commanding General of the District of Columbia Na-
 23 tional Guard: *Provided further*, That such sums as may
 24 be necessary for reimbursement to the District of Colum-
 25 bia National Guard under the preceding proviso shall be

1 available from this appropriation, and the availability of
 2 the sums shall be deemed as constituting payment in ad-
 3 vance for emergency services involved.

4 PUBLIC EDUCATION SYSTEM

5 (INCLUDING TRANSFERS OF FUNDS)

6 Public education system, including the development
 7 of national defense education programs, \$1,157,841,000
 8 (including \$962,941,000 from local funds, \$156,708,000
 9 from Federal grant funds, \$27,074,000 from other funds,
 10 \$4,302,000 from private funds, and not to exceed
 11 \$6,816,000, to remain available until expended, from the
 12 Medicaid and Special Education Reform Fund established
 13 pursuant to the Medicaid and Special Education Reform
 14 Fund Establishment Act of 2002 (D.C. Law 14–190; D.C.
 15 Official Code 4–204.51 et seq.)), in addition, \$17,000,000
 16 from funds previously appropriated in this Act under the
 17 heading “Federal Payment for Resident Tuition Support”
 18 and \$4,500,000 from funds previously appropriated in this
 19 Act under the heading “Federal Payment for Public
 20 School Facilities”, to be allocated as follows:

21 (1) DISTRICT OF COLUMBIA PUBLIC
 22 SCHOOLS.—\$870,135,000 (including \$738,444,000
 23 from local funds, \$114,749,000 from Federal grant
 24 funds, \$6,527,000 from other funds, \$3,599,000
 25 from private funds, and not to exceed \$6,816,000, to

1 remain available until expended, from the Medicaid
2 and Special Education Reform Fund established
3 pursuant to the Medicaid and Special Education Re-
4 form Fund Establishment Act of 2002 (D.C. Law
5 14–190; D.C. Official Code 4–204.51 et seq.)), in
6 addition, \$4,500,000 from funds previously appro-
7 priated in this Act under the heading “Federal Pay-
8 ment for Public School Facilities” shall be available
9 for District of Columbia Public Schools: *Provided*,
10 That notwithstanding any other provision of law,
11 rule, or regulation, the evaluation process and in-
12 struments for evaluating District of Columbia Public
13 School employees shall be a non-negotiable item for
14 collective bargaining purposes: *Provided further*,
15 That this appropriation shall not be available to sub-
16 sidize the education of any nonresident of the Dis-
17 trict of Columbia at any District of Columbia public
18 elementary or secondary school during fiscal year
19 2004 unless the nonresident pays tuition to the Dis-
20 trict of Columbia at a rate that covers 100 percent
21 of the costs incurred by the District of Columbia
22 that are attributable to the education of the non-
23 resident (as established by the Superintendent of the
24 District of Columbia Public Schools): *Provided fur-*
25 *ther*, That notwithstanding the amounts otherwise

1 provided under this heading or any other provision
2 of law, there shall be appropriated to the District of
3 Columbia Public Schools on July 1, 2004, an
4 amount equal to 10 percent of the total amount pro-
5 vided for the District of Columbia Public Schools in
6 the proposed budget of the District of Columbia for
7 fiscal year 2005 (as submitted to Congress), and the
8 amount of such payment shall be chargeable against
9 the final amount provided for the District of Colum-
10 bia Public Schools under the District of Columbia
11 Appropriations Act, 2005: *Provided further*, That
12 not to exceed \$2,500 for the Superintendent of
13 Schools shall be available from this appropriation for
14 official purposes: *Provided further*, That the District
15 of Columbia Public Schools shall submit to the
16 Board of Education by January 1 and July 1 of
17 each year a Schedule A showing all the current
18 funded positions of the District of Columbia Public
19 Schools, their compensation levels, and indicating
20 whether the positions are encumbered: *Provided fur-*
21 *ther*, That the Board of Education shall approve or
22 disapprove each Schedule A within 30 days of its
23 submission and provide the Council of the District
24 of Columbia a copy of the Schedule A upon its ap-
25 proval.

1 (2) STATE EDUCATION OFFICE.—\$38,752,000
2 (including \$9,959,000 from local funds, \$28,617,000
3 from Federal grant funds, and \$176,000 from other
4 funds), in addition, \$17,000,000 from funds pre-
5 viously appropriated in this Act under the heading
6 “Federal Payment for Resident Tuition Support”
7 shall be available for the State Education Office:
8 *Provided*, That of the amounts provided to the State
9 Education Office, \$500,000 from local funds shall
10 remain available until June 30, 2005 for an audit of
11 the student enrollment of each District of Columbia
12 Public School and of each District of Columbia pub-
13 lic charter school.

14 (3) DISTRICT OF COLUMBIA PUBLIC CHARTER
15 SCHOOLS.—\$137,531,000 from local funds shall be
16 available for District of Columbia a public charter
17 schools: *Provided*, That there shall be quarterly dis-
18 bursement of funds to the District of Columbia pub-
19 lic charter schools, with the first payment to occur
20 within 15 days of the beginning of the fiscal year:
21 *Provided further*, That if the entirety of this alloca-
22 tion has not been provided as payments to any pub-
23 lic charter schools currently in operation through the
24 per pupil funding formula, the funds shall be avail-
25 able as follows: (A) the first \$3,000,000 shall be de-

1 posited in the Credit Enhancement Revolving Fund
2 established pursuant to section 603(e) of the Stu-
3 dent Loan Marketing Association Reorganization
4 Act of 1996 (Public Law 104–208; 110 Stat. 3009;
5 20 U.S.C. 1155(e)); and (B) the balance shall be for
6 public education in accordance with section
7 2403(b)(2) of the District of Columbia School Re-
8 form Act of 1995 (D.C. Official Code, sec. 38–
9 1804.03(b)(2)): *Provided further*, That of the
10 amounts made available to District of Columbia pub-
11 lic charter schools, \$25,000 shall be made available
12 to the Office of the Chief Financial Officer as au-
13 thorized by section 2403(b)(6) of the District of Co-
14 lumbia School Reform Act of 1995 (D.C. Official
15 Code, sec. 38–1804.03(b)(6)): *Provided further*, That
16 \$660,000 of this amount shall be available to the
17 District of Columbia Public Charter School Board
18 for administrative costs: *Provided further*, That not-
19 withstanding the amounts otherwise provided under
20 this heading or any other provision of law, there
21 shall be appropriated to the District of Columbia
22 public charter schools on July 1, 2004, an amount
23 equal to 25 percent of the total amount provided for
24 payments to public charter schools in the proposed
25 budget of the District of Columbia for fiscal year

1 2005 (as submitted to Congress), and the amount of
2 such payment shall be chargeable against the final
3 amount provided for such payments under the Dis-
4 trict of Columbia Appropriations Act, 2005.

5 (4) UNIVERSITY OF THE DISTRICT OF COLUM-
6 BIA.—\$80,660,000 (including \$48,656,000 from
7 local funds, \$11,867,000 from Federal grant funds,
8 \$19,434,000 from other funds, and \$703,000 from
9 private funds) shall be available for the University of
10 the District of Columbia: *Provided*, That this appro-
11 priation shall not be available to subsidize the edu-
12 cation of nonresidents of the District of Columbia at
13 the University of the District of Columbia, unless
14 the Board of Trustees of the University of the Dis-
15 trict of Columbia adopts, for the fiscal year ending
16 September 30, 2004, a tuition rate schedule that will
17 establish the tuition rate for nonresident students at
18 a level no lower than the nonresident tuition rate
19 charged at comparable public institutions of higher
20 education in the metropolitan area: *Provided further*,
21 That notwithstanding the amounts otherwise pro-
22 vided under this heading or any other provision of
23 law, there shall be appropriated to the University of
24 the District of Columbia on July 1, 2004, an
25 amount equal to 10 percent of the total amount pro-

1 vided for the University of the District of Columbia
2 in the proposed budget of the District of Columbia
3 for fiscal year 2005 (as submitted to Congress), and
4 the amount of such payment shall be chargeable
5 against the final amount provided for the University
6 of the District of Columbia under the District of Co-
7 lumbia Appropriations Act, 2005: *Provided further*,
8 That not to exceed \$2,500 for the President of the
9 University of the District of Columbia shall be avail-
10 able from this appropriation for official purposes.

11 (5) DISTRICT OF COLUMBIA PUBLIC LIBRAR-
12 IES.—\$28,287,000 (including \$26,750,000 from
13 local funds, \$1,000,000 from Federal grant funds,
14 and \$537,000 from other funds) shall be available
15 for the District of Columbia Public Libraries: *Pro-*
16 *vided*, That not to exceed \$2,000 for the Public Li-
17 brarian shall be available from this appropriation for
18 official purposes.

19 (6) COMMISSION ON THE ARTS AND HUMAN-
20 ITIES.—\$2,476,000 (including \$1,601,000 from local
21 funds, \$475,000 from Federal grant funds, and
22 \$400,000 from other funds) shall be available for
23 the Commission on the Arts and Humanities.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, \$2,360,067,000 (including \$1,030,223,000 from local funds, \$1,247,945,000 from Federal grant funds, \$24,330,000 from other funds, \$9,330,000 from private funds, and \$48,239,000, to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14–403)): *Provided*, That the funds available from the Medicaid and Special Education Reform Fund are allocated as follows: not more than \$18,744,000 for Child and Family Services, not more than \$7,795,000 for the Department of Human Services, and not more than \$21,700,000 for the Department of Mental Health: *Provided further*, That \$27,959,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees’ disability compensation: *Provided further*, That \$7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004) and used exclusively for the purpose of the Drug Treatment Choice Program established pursuant to sec-

tion 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3003): *Provided further*, That no less than \$2,000,000 of this appropriation shall be available exclusively for the purpose of funding the pilot substance abuse program for youth ages 14 through 21 years established pursuant to section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): *Provided further*, That \$4,500,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund established pursuant to section 201 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), to be used exclusively for the Interim Disability Assistance program and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): *Provided further*, That not less than \$640,531 of this appropriation shall be available exclusively for the purpose of funding the Burial Assistance Program established by section 1802 of the Burial Assistance Program Reestablishment Act of 1999 (D.C. Law 13–38; D.C. Official Code, sec. 4–1001).

1 PUBLIC WORKS

2 Public works, including rental of one passenger-car-
3 rying vehicle for use by the Mayor and three passenger-
4 carrying vehicles for use by the Council of the District of
5 Columbia and leasing of passenger-carrying vehicles,
6 \$327,046,000 (including \$308,028,000 from local funds,
7 \$5,274,000 from Federal grant funds, and \$13,744,000
8 from other funds): *Provided*, That this appropriation shall
9 not be available for collecting ashes or miscellaneous
10 refuse from hotels and places of business.

11 CASH RESERVE

12 For the cumulative cash reserve established pursuant
13 to section 202(j)(2) of the District of Columbia Financial
14 Responsibility and Management Assistance Act of 1995
15 (D.C. Official Code, sec. 47-392.02(j)(2)), \$50,000,000
16 from local funds.

17 EMERGENCY AND CONTINGENCY RESERVE FUNDS

18 For the emergency reserve fund and the contingency
19 reserve fund under section 450A of the District of Colum-
20 bia Home Rule Act (D.C. Official Code, sec. 1-204.50a),
21 such amounts from local funds as are necessary to meet
22 the balance requirements for such funds under such sec-
23 tion.

1 REPAYMENT OF LOANS AND INTEREST

2 For payment of principal, interest, and certain fees
3 directly resulting from borrowing by the District of Co-
4 lumbia to fund District of Columbia capital projects as
5 authorized by sections 462, 475, and 490 of the District
6 of Columbia Home Rule Act (D.C. Official Code, secs. 1–
7 204.62, 1–204.75, and 1–204.90), \$311,504,000 from
8 local funds: *Provided*, That for equipment leases, the
9 Mayor may finance \$14,300,000 of equipment cost, plus
10 cost of issuance not to exceed 2 percent of the par amount
11 being financed on a lease purchase basis with a maturity
12 not to exceed 5 years.

13 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

14 For payment of interest on short-term borrowing,
15 \$3,000,000 from local funds.

16 CERTIFICATES OF PARTICIPATION

17 For principal and interest payments on the District’s
18 Certificates of Participation, issued to finance the ground
19 lease underlying the building located at One Judiciary
20 Square, \$4,911,000 from local funds.

21 SETTLEMENTS AND JUDGMENTS

22 For making refunds and for the payment of legal set-
23 tlements or judgments that have been entered against the
24 District of Columbia government, \$22,522,000 from local
25 funds: *Provided*, That this appropriation shall not be con-

1 strued as modifying or affecting the provisions of section
2 103 of this Act.

3 WILSON BUILDING

4 For expenses associated with the John A. Wilson
5 building, \$3,704,000 from local funds.

6 WORKFORCE INVESTMENTS

7 For workforce investments, \$22,308,000 from local
8 funds, to be transferred by the Mayor of the District of
9 Columbia within the various appropriation headings in
10 this Act for which employees are properly payable.

11 NON-DEPARTMENTAL AGENCY

12 To account for anticipated costs that cannot be allo-
13 cated to specific agencies during the development of the
14 proposed budget, \$19,639,000 (including \$11,455,000
15 from local funds and \$8,184,000 from other funds): *Pro-*
16 *vided*, That anticipated employee health insurance cost in-
17 creases and contract security costs, \$5,799,000 from local
18 funds.

19 PAY-AS-YOU-GO CAPITAL

20 For Pay-As-You-Go Capital funds in lieu of capital
21 financing, \$11,267,000 from local funds, to be transferred
22 to the Capital Fund, subject to the Criteria for Spending
23 Pay-as-You-Go Funding Amendment Act of 2003, ap-
24 proved by the Council of the District of Columbia on 1st
25 reading, May 6, 2003 (title 25 of Bill 15–218): *Provided*,

1 That pursuant to this Act, there are authorized to be
2 transferred from Pay-As-You-Go Capital funds to other
3 headings of this Act, such sums as may be necessary to
4 carry out the purposes of this Act.

5 TAX INCREMENT FINANCING PROGRAM

6 For a Tax Increment Financing Program,
7 \$1,940,000 from local funds.

8 MEDICAID DISALLOWANCE

9 For making refunds associated with disallowed Med-
10 icaid funding, an amount not to exceed \$57,000,000 in
11 local funds, to remain available until expended: *Provided*,
12 That funds are derived from a transfer from the funds
13 identified in the fiscal year 2002 comprehensive annual
14 financial report as the District of Columbia's Grants Dis-
15 allowance balance.

16 EMERGENCY PLANNING AND SECURITY COSTS

17 From funds previously appropriated in this Act under
18 the heading "Federal Payment for Emergency Planning
19 and Security Costs in the District of Columbia",
20 \$15,000,000.

21 FAMILY LITERACY

22 From funds previously appropriated in this Act under
23 the heading "Federal Payment for the Family Literacy
24 Program", \$2,000,000.

1 SCHOLARSHIP PROGRAM

2 From funds previously appropriated in this Act under
3 the heading “Federal Payment for a District of Columbia
4 Scholarship Program”, \$10,000,000.

5 ENTERPRISE AND OTHER FUNDS

6 WATER AND SEWER AUTHORITY

7 For operation of the Water and Sewer Authority,
8 \$259,095,000 from other funds, of which \$18,692,000
9 shall be apportioned for repayment of loans and interest
10 incurred for capital improvement projects and payable to
11 the District’s debt service fund.

12 For construction projects, \$199,807,000, to be dis-
13 tributed as follows: \$99,449,000 for the Blue Plains
14 Wastewater Treatment Plant, \$16,739,000 for the sewer
15 program, \$42,047,000 for the combined sewer program,
16 \$5,993,000 for the stormwater program, \$24,431,000 for
17 the water program, and \$11,148,000 for the capital equip-
18 ment program; in addition, \$35,000,000 from funds pre-
19 viously appropriated in this Act under the heading “Fed-
20 eral Payment to the District of Columbia Water and
21 Sewer Authority”: *Provided*, That the requirements and
22 restrictions that are applicable to general fund capital im-
23 provement projects and set forth in this Act under the
24 Capital Outlay appropriation account shall apply to
25 projects approved under this appropriation account.

For operation of the Washington Aqueduct,

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise

Fund, established by the District of Columbia Appropria-

tion Act, 1982, for the purpose of implementing the Law

to Legalize Lotteries, Daily Numbers Games, and Bingo

and Raffles for Charitable Purposes in the District of Co-

lumbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301

et seq. and sec. 22-1716 et seq.), \$242,755,000 from

other funds: *Provided*, That the District of Columbia shall

identify the source of funding for this appropriation title

from the District's own locally generated revenues: *Pro-*

vided further, That no revenues from Federal sources shall

be used to support the operations or activities of the Lot-

tery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission,

\$13,979,000 from local funds.

1 DISTRICT OF COLUMBIA RETIREMENT BOARD

2 For the District of Columbia Retirement Board, es-
3 tablished pursuant to section 121 of the District of Colum-
4 bia Retirement Reform Act of 1979 (D.C. Official Code,
5 sec. 1-711), \$13,895,000 from the earnings of the appli-
6 cable retirement funds to pay legal, management, invest-
7 ment, and other fees and administrative expenses of the
8 District of Columbia Retirement Board: *Provided*, That
9 the District of Columbia Retirement Board shall provide
10 to the Congress and to the Council of the District of Co-
11 lumbia a quarterly report of the allocations of charges by
12 fund and of expenditures of all funds: *Provided further*,
13 That the District of Columbia Retirement Board shall pro-
14 vide the Mayor, for transmittal to the Council of the Dis-
15 trict of Columbia, an itemized accounting of the planned
16 use of appropriated funds in time for each annual budget
17 submission and the actual use of such funds in time for
18 each annual audited financial report.

19 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

20 For the Washington Convention Center Enterprise
21 Fund, \$69,742,000 from other funds.

22 NATIONAL CAPITAL REVITALIZATION CORPORATION

23 For the National Capital Revitalization Corporation,
24 \$7,849,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,004,796,000, of which \$601,708,000 shall be from local funds, \$46,014,000 from Highway Trust funds, \$38,311,000 from the Rights-of-way funds, \$218,880,000 from Federal grant funds, and a rescission of \$99,884,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$904,913,000, to remain available until expended; in addition, \$8,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Capital Development in the District of Columbia” and \$4,300,000 from funds previously appropriated in this Act under the heading “Federal Payment for the Anacostia Waterfront Initiative”: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended.

TITLE III—GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for a particular purposes or objects of expenditure, such amount, unless otherwise

1 specified, shall be considered as the maximum amount
2 that may be expended for said purpose or object rather
3 than an amount set apart exclusively therefor.

4 SEC. 102. Appropriations in this act shall be available
5 for expenses of travel and for the payment of dues of orga-
6 nizations concerned with the work of the District of Co-
7 lumbia government, when authorized by the Mayor: *Pro-*
8 *vided*, That in the case of the Council of the District of
9 Columbia, funds may be expended with the authorization
10 of the Chairman of the Council.

11 SEC. 103. There are appropriated from the applicable
12 funds of the District of Columbia such sums as may be
13 necessary for making refunds and for the payment of legal
14 settlements or judgments that have entered against the
15 District of Columbia government: *Provided*, That nothing
16 contained in this section shall be construed as modifying
17 or affecting the provisions of section 11(c)(3) of title XII
18 of the District of Columbia Income and Franchise Tax Act
19 of 1947 (D.C. Official Code, sec. 47–1812.11(c)(3)).

20 SEC. 104. No part of any appropriation contained in
21 this Act shall remain available for obligation beyond the
22 current fiscal year unless expressly to provided herein.

23 SEC. 105. No funds appropriated in this Act for the
24 District of Columbia government for the operation of edu-
25 cational institutions, the compensation of personnel, or for

1 other educational purposes may be used to permit, encour-
2 age, facilitate, or further partisan political activities.
3 Nothing herein is intended to prohibit the availability of
4 school buildings for the use of any community or partisan
5 political group during non-school hours.

6 SEC. 106. None of the funds appropriated in this Act
7 shall be made available to pay the salary of any employee
8 of the District of Columbia government whose name, title,
9 grade, and salary are not available for inspection by the
10 Committees on Appropriations of the House of Represent-
11 atives and Senate, the Committee on Government Reform
12 of the House of Representatives, the Committee on Gov-
13 ernmental Affairs of the Senate, and the Council of the
14 District of Columbia, or their duly authorized representa-
15 tive.

16 SEC. 107. (a) Except as provided in subsection (b),
17 no part of this appropriation shall be used for publicity
18 or propaganda purposes or implementation of any policy
19 including boycott designed to support or defeat legislation
20 pending before Congress or any State legislature.

21 (b) The District of Columbia may use local funds pro-
22 vided in this Act to carry out lobbying activities on any
23 matter other than—

24 (1) the promotion or support of any boycott; or

1 (2) statehood for the District of Columbia or
2 voting representation in Congress for the District of
3 Columbia.

4 (c) Nothing in this section may be construed to pro-
5 hibit any elected official from advocating with respect to
6 any of the issues referred to in subsection (b).

7 SEC. 108. (a) None of the funds provided under this
8 Act to the agencies funded by this Act, both Federal and
9 District government agencies, that remain available for
10 obligation or expenditure in fiscal year 2004, or provided
11 from any accounts in the Treasury of the United States
12 derived by the collection of fees available to the agencies
13 funded by this Act, shall be available for obligation or ex-
14 penditures for an agency through a reprogramming of
15 funds which—

16 (1) creates new programs;

17 (2) eliminates a program, project, or responsi-
18 bility center;

19 (3) establishes or changes allocations specifi-
20 cally denied, limited or increased under this Act;

21 (4) increases funds or personnel by any means
22 for any program, project, or responsibility center for
23 which funds have been denied or restricted;

24 (5) reestablishes any program or project pre-
25 viously deferred through reprogramming;

1 (6) augments any existing program, project, or
2 responsibility center through a reprogramming of
3 funds in excess of \$1,000,000 or 10 percent, which-
4 ever is less; or

5 (7) increases by 20 percent or more personnel
6 assigned to a specific program, project or responsi-
7 bility center,

8 unless the Committee on Appropriations of the House of
9 Representatives and Senate are notified in writing 30 days
10 in advance of the reprogramming.

11 (b) None the local funds contained in this Act may
12 be available for obligation or expenditure for an agency
13 through a transfer of any local funds from one appropria-
14 tion heading to another unless the Committees on Appro-
15 priations of the House of Representatives and Senate are
16 notified in writing 30 days in advance of the transfer, ex-
17 cept that in no event may the amount of any funds trans-
18 ferred exceed 4 percent of the local funds in the appropria-
19 tions.

20 SEC. 109. Consistent with the provisions of section
21 1301(a) of title 31, United States Code, appropriations
22 under this Act shall be applied only to the objects for
23 which the appropriations were made except as otherwise
24 provided by law.

1 SEC. 110. Notwithstanding any other provisions of
2 law, the provisions of the District of Columbia Govern-
3 ment Comprehensive Merit Personnel Act of 1978 (D.C.
4 Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.),
5 enacted pursuant to section 422(3) of the District of Co-
6 lumbia Home Rule Act (D.C. Official Code, sec. 1–
7 2041.22(3)), shall apply with respect to the compensation
8 of District of Columbia employees: *Provided*, That for pay
9 purposes, employees of the District of Columbia govern-
10 ment shall not be subject to the provisions of title 5,
11 United States Code.

12 SEC. 111. No later than 30 days after the end of the
13 first quarter of fiscal year 2004, the Mayor of the District
14 of Columbia shall submit to the Council of the District
15 of Columbia and the Committees on Appropriations of the
16 House of Representatives and Senate the new fiscal year
17 2004 revenue estimates as of the end of such quarter.
18 These estimates shall be used in the budget request for
19 fiscal year 2005. The officially revised estimates at mid-
20 year shall be used for the midyear report.

21 SEC. 112. No sole source contract with the District
22 of Columbia government or any agency thereof may be re-
23 newed or extended without opening that contract to the
24 competitive bidding process as set forth in section 303 of
25 the District of Columbia Procurement Practices Act of

1 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03),
2 except that the District of Columbia government or any
3 agency thereof may renew or extend sole source contracts
4 for which competition is not feasible or practical, but only
5 if the determination as to whether to invoke the competi-
6 tive bidding process has been made in accordance with
7 duly promulgated rules and procedures and has been re-
8 viewed and certified by the Chief Financial Officer of the
9 District of Columbia.

10 SEC. 113. (a) In the event a sequestration order is
11 issued pursuant to the Balanced Budget and Emergency
12 Deficit Control Act of 1985 after the amounts appro-
13 priated to the District of Columbia for the fiscal year in-
14 volved have been paid to the District of Columbia, the
15 Mayor of the District of Columbia shall pay to the Sec-
16 retary of the Treasury, within 15 days after receipt of a
17 request therefor from the Secretary of the Treasury, such
18 amounts as are sequestered by the order: *Provided*, That
19 the sequestration percentage specified in the order shall
20 be applied proportionately to each of the Federal appro-
21 priation accounts in this Act that are not specifically ex-
22 empted from sequestration by such Act.

23 (b) For purposes of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985, the term “program,
25 project, and activity” shall be synonymous with and refer

1 specifically to each account appropriating Federal funds
2 in this Act, and any sequestration order shall be applied
3 to each of the accounts rather than to the aggregate total
4 of those accounts: *Provided*, That sequestration orders
5 shall not be applied to any account that is specifically ex-
6 empted from sequestration by the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 SEC. 114. None of the Federal funds provided in this
9 Act may be used by the District of Columbia to provide
10 for salaries, expenses, or other costs associated with the
11 offices of United States Senator or United States Rep-
12 resentative under section 4(d) of the District of Columbia
13 Statehood Constitutional Convention Initiatives of 1979
14 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

15 SEC. 115. None of the funds appropriated under this
16 Act shall be expended for any abortion except where the
17 life of the mother would be endangered if the fetus were
18 carried to term or where the pregnancy is the result of
19 an act of rape or incest.

20 SEC. 116. None of the Federal funds made available
21 in this Act may be used to implement or enforce the
22 Health Care Benefits Expansion Act of 1992 (D.C. Law
23 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
24 erwise implement or enforce any system of registration of
25 unmarried, cohabiting couples, including but not limited

1 to registration for the purpose of extending employment,
2 health, or governmental benefits to such couples on the
3 same basis that such benefits are extended to legally mar-
4 ried couples.

5 SEC. 117. (a) Notwithstanding any other provision
6 of this Act, the Mayor, in consultation with the Chief Fi-
7 nancial Officer of the District of Columbia may accept,
8 obligate, and expend Federal, private, and other grants
9 received by the District government that are not reflected
10 in the amounts appropriated in this Act.

11 (b)(1) No such Federal, private, or other grant may
12 be accepted, obligated, or expended pursuant to subsection
13 (a) until—

14 (A) the Chief Financial Officer of the District
15 of Columbia submits to the Council a report setting
16 forth detailed information regarding such grant; and

17 (B) the Council has reviewed and approved the
18 acceptance, obligation, and expenditure of such
19 grant.

20 (2) For purposes of paragraph (1)(B), the Council
21 shall be deemed to have reviewed and approved the accept-
22 ance, obligation, and expenditure of a grant if—

23 (A) no written notice of disapproval is filed with
24 the Secretary of the Council within 14 calendar days

1 of the receipt of the report from the Chief Financial
2 Officer under paragraph (1)(A); or

3 (B) if such a notice of disapproval is filed with-
4 in such deadline, the Council does not by resolution
5 disapprove the acceptance, obligation, or expenditure
6 of the grant within 30 calendar days of the initial
7 receipt of the report from the Chief Financial Offi-
8 cer under paragraph (1)(A).

9 (c) No amount may be obligated or expended from
10 the general fund or other funds of the District of Colum-
11 bia government in anticipation of the approval or receipt
12 of a grant under subsection (b)(2) or in anticipation of
13 the approval or receipt of a Federal, private, or other
14 grant not subject to such subsection.

15 (d) The Chief Financial Officer of the District of Co-
16 lumbia shall prepare a quarterly report setting forth de-
17 tailed information regarding all Federal, private, and
18 other grants subject to this section. Each such report shall
19 be submitted to the Council of the District of Columbia
20 and to the Committees on Appropriations of the House
21 of Representatives and Senate not later than 15 days after
22 the end of the quarter covered by the report.

23 SEC. 118. (a) Except as otherwise provided in this
24 section, none of the funds made available by this Act or
25 by any other Act may be used to provide any officer or

1 employee of the District of Columbia with an official vehi-
2 cle unless the officer or employee uses the vehicle only in
3 the performance of the officer's or employee's official du-
4 ties. For purposes of this paragraph, the term "official
5 duties" does not include travel between the officer's or em-
6 ployee's residence and workplace, except in the case of—

7 (1) an officer or employee of the Metropolitan
8 Police Department who resides in the District of Co-
9 lumbia or is otherwise designated by the Chief of the
10 Department;

11 (2) at the discretion of the Fire Chief, an offi-
12 cer or employee of the District of Columbia Fire and
13 Emergency Medical Services Department who re-
14 sides in the District of Columbia and is on call 24
15 hours a day;

16 (3) the Mayor of the District of Columbia; and

17 (4) the Chairman of the Council of the District
18 of Columbia.

19 (b) The Chief Financial Officer of the District of Co-
20 lumbia shall submit by March 1, 2004, an inventory, as
21 of September 30, 2003, of all vehicles owned, leased or
22 operated by the District of Columbia government. The in-
23 ventory shall include, but not be limited to, the depart-
24 ment to which the vehicle is assigned; the year and make
25 of the vehicle; the acquisition date and cost; the general

1 condition of the vehicle; annual operating and mainte-
2 nance costs; current mileage; and whether the vehicle is
3 allowed to be taken home by a District officer or employee
4 and if so, the officer or employee's title and resident loca-
5 tion.

6 SEC. 119. None of the funds contained in this Act
7 may be used for purposes of the annual independent audit
8 of the District of Columbia government for fiscal year
9 2004 unless—

10 (1) the audit is conducted by the Inspector
11 General of the District of Columbia, in coordination
12 with the Chief Financial Officer of the District of
13 Columbia, pursuant to section 208(a)(4) of the Dis-
14 trict of Columbia Procurement Practices Act of
15 1985 (D.C. Official Code, sec. 2–302.8); and

16 (2) the audit includes as a basic financial state-
17 ment a comparison of audited actual year-end re-
18 sults with the revenues submitted in the budget doc-
19 ument for such year and the appropriations enacted
20 into law for such year using the format, terminology,
21 and classifications contained in the law making the
22 appropriations for the year and its legislative his-
23 tory.

24 SEC. 120. (a) None of the funds contained in this
25 Act may be used by the District of Columbia Corporation

1 Counsel or any other officer or entity of the District gov-
2 ernment to provide assistance for any petition drive or civil
3 action which seeks to require Congress to provide for vot-
4 ing representation in Congress for the District of Colum-
5 bia.

6 (b) Nothing in this section bars the District of Co-
7 lumbia Corporation Counsel from reviewing or com-
8 menting on briefs in private lawsuits, or from consulting
9 with officials of the District government regarding such
10 lawsuits.

11 SEC. 121. (a) None of the funds contained in this
12 Act may be used for any program of distributing sterile
13 needles or syringes for the hypodermic injection of any ille-
14 gal drug.

15 (b) Any individual or entity who receives any funds
16 contained in this Act and who carries out any program
17 described in subsection (a) shall account for all funds used
18 for such program separately from any funds contained in
19 this Act.

20 SEC. 122. None of the funds contained in this Act
21 may be used after the expiration of the 60-day period that
22 begins on the date of the enactment of this Act to pay
23 the salary of any chief financial officer of any office of
24 the District of Columbia government (including any inde-
25 pendent agency of the District of Columbia) who has not

1 filed a certification with the Mayor and the Chief Finan-
2 cial Officer of the District of Columbia that the officer
3 understands the duties and restrictions applicable to the
4 officer and the officer's agency as a result of this Act (and
5 the amendments made by this Act), including any duty
6 to prepare a report requested either in the Act or in any
7 of the reports accompanying the Act and the deadline by
8 which each report must be submitted. The Chief Financial
9 Officer of the District of Columbia shall provide to the
10 Committees on Appropriations of the House of Represent-
11 atives and Senate by the 10th day after the end of each
12 quarter a summary list showing each report, the due date,
13 and the date submitted to the Committees.

14 SEC. 123. (a) None of the funds contained in this
15 Act may be used to enact or carry out any law, rule, or
16 regulation to legalize or otherwise reduce penalties associ-
17 ated with the possession, use, or distribution of any sched-
18 ule I substance under the Controlled Substances Act (21
19 U.S.C. 802) or any tetrahydrocannabinols derivative.

20 (b) The Legalization of Marijuana for Medical Treat-
21 ment Initiative of 1998, also known as Initiative 59, ap-
22 proved by the electors of the District of Columbia on No-
23 vember 3, 1998, shall not take effect.

24 SEC. 124. Nothing in this Act may be construed to
25 prevent the Council or Mayor of the District of Columbia

1 from addressing the issue of the provision of contraceptive
2 coverage by health insurance plans, but it is the intent
3 of Congress that any legislation enacted on such issue
4 should include a “conscience clause” which provides excep-
5 tions for religious beliefs and moral convictions.

6 SEC. 125. The Mayor of the District of Columbia
7 shall submit to the Committees on Appropriations of the
8 House of Representatives and Senate, the Committee on
9 Government Reform of the House of Representatives, and
10 the Committee on Governmental Affairs of the Senate
11 quarterly reports addressing—

12 (1) crime, including the homicide rate, imple-
13 mentation of community policing, the number of po-
14 lice officers on local beats, and the closing down of
15 open-air drug markets;

16 (2) access to substance and alcohol abuse treat-
17 ment, including the number of treatment slots, the
18 number of people served, the number of people on
19 waiting lists, and the effectiveness of treatment pro-
20 grams;

21 (3) management of parolees and pre-trial vio-
22 lent offenders, including the number of halfway
23 houses escapes and steps taken to improve moni-
24 toring and supervision of halfway house residents to
25 reduce the number of escapes to be provided in con-

1 sultation with the Court Services and Offender Su-
2 pervision Agency for the District of Columbia;

3 (4) education, including access to special edu-
4 cation services and student achievement to be pro-
5 vided in consultation with the District of Columbia
6 Public Schools and the District of Columbia public
7 charter schools;

8 (5) improvement in basic District services, in-
9 cluding rat control and abatement;

10 (6) application for and management of Federal
11 grants, including the number and type of grants for
12 which the District was eligible but failed to apply
13 and the number and type of grants awarded to the
14 District but for which the District failed to spend
15 the amounts received; and

16 (7) indicators of child well-being.

17 SEC. 126. No later than 30 calendar days after the
18 date of the enactment of this Act, the Chief Financial Offi-
19 cer of the District of Columbia shall submit to the appro-
20 priate committees of Congress, the Mayor, and the Council
21 of the District of Columbia a revised appropriated funds
22 operating budget in the format of the budget that the Dis-
23 trict of Columbia government submitted pursuant to sec-
24 tion 442 of the District of Columbia Home Rule Act (D.C.
25 Official Code, sec. 1–204.42), for all agencies of the Dis-

1 triet of Columbia government for fiscal year 2003 that is
2 in the total amount of the approved appropriation and
3 that realigns all budgeted data for personal services and
4 other-than-personal-services, respectively, with anticipated
5 actual expenditures.

6 SEC. 127. None of the funds contained in this Act
7 may be used to issue, administer, or enforce any order
8 by the District of Columbia Commission on Human Rights
9 relating to docket numbers 93–030–(PA) and 93–031–
10 (PA).

11 SEC. 128. None of the Federal funds made available
12 in this Act may be transferred to any department, agency,
13 or instrumentality of the United States Government, ex-
14 cept pursuant to a transfer made by, or transfer authority
15 provided in, this Act or any other appropriation Act.

16 SEC. 129. During fiscal year 2004 and any subse-
17 quent fiscal year, in addition to any other authority to pay
18 claims and judgments, any department, agency, or instru-
19 mentality of the District government may use local funds
20 to pay the settlement or judgment of a claim or lawsuit
21 in an amount less than \$10,000, in accordance with the
22 Risk Management for Settlements and Judgments
23 Amendment Act of 2000 (D.C. Law 13–172; D.C. Official
24 Code, sec. 2–402).

1 SEC. 130. Notwithstanding any other law, the Dis-
2 trict of Columbia Courts shall transfer to the general
3 treasury of the District of Columbia all fines levied and
4 collected by the Courts under section 10(b)(1) and (2) of
5 the District of Columbia Traffic Act (D.C. Official Code,
6 sec. 50–2201.05(b)(1) and (2)). The transferred funds
7 shall remain available until expended and shall be used
8 by the Office of the Corporation Counsel for enforcement
9 and prosecution of District traffic alcohol laws in accord-
10 ance with section 10(b)(3) of the District of Columbia
11 Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

12 SEC. 131. During fiscal year 2004 and any subse-
13 quent fiscal year, any agency of the District government
14 may transfer to the Office of Labor Relations and Collec-
15 tive Bargaining (OLRCB) such local funds as may be nec-
16 essary to pay for representation by OLRCB in third-party
17 cases, grievances, and dispute resolution, pursuant to an
18 intra-District agreement with OLRCB. These amounts
19 shall be available for use by OLRCB to reimburse the cost
20 of providing the representation.

21 SEC. 132. (a) None of the funds contained in this
22 Act may be made available to pay—

23 (1) the fees of an attorney who represents a
24 party in an action or an attorney who defends an ac-
25 tion, including an administrative proceeding, brought

1 against the District of Columbia Public Schools
2 under the Individuals with Disabilities Education
3 Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for
4 that action; or

5 (2) the fees of an attorney or firm whom the
6 Chief Financial Officer of the District of Columbia
7 determines to have a pecuniary interest, either
8 through an attorney, officer or employee of the firm,
9 in any special education diagnostic services, schools,
10 or other special education service providers.

11 (b)(1) The District of Columbia Public Schools shall
12 increase the amount of local funds it allocates for services
13 to children under the Individuals With Disabilities Edu-
14 cation Act during fiscal year 2004 by the amount of sav-
15 ings resulting during the year from the restrictions on the
16 payment of attorney fees under subsection (a), as esti-
17 mated and published by the Chief Financial Officer.

18 (2) The Chief Financial Officer shall make estimates
19 of the savings described in paragraph (1) on a quarterly
20 basis during fiscal year 2004, and shall publish the esti-
21 mates not later than 10 days after the end of each quarter.

22 SEC. 133. The Chief Financial Officer of the District
23 of Columbia shall require attorneys in special education
24 cases brought under the Individuals with Disabilities Act
25 (IDEA) in the District of Columbia to certify in writing

1 that the attorney or representative rendered any and all
2 services for which they receive awards, including those re-
3 ceived under a settlement agreement or as part of an ad-
4 ministrative proceeding, under the IDEA from the District
5 of Columbia: *Provided*, That as part of the certification,
6 the Chief Financial Officer of the District of Columbia
7 shall require all attorneys in IDEA cases to disclose any
8 financial, corporate, legal, memberships on boards of di-
9 rectors, or other relationships with any special education
10 diagnostic services, schools, or other special education
11 service providers to which the attorneys have referred any
12 clients as part of this certification: *Provided further*, That
13 the Chief Financial Officer shall prepare and submit quar-
14 terly reports to the Committees on Appropriations of the
15 Senate and the House of Representatives on the certifi-
16 cation of and the amount paid by the government of the
17 District of Columbia, including the District of Columbia
18 Public Schools, to attorneys in cases brought under IDEA:
19 *Provided further*, That the Inspector General of the Dis-
20 trict of Columbia may conduct investigations to determine
21 the accuracy of the certifications.

22 SEC. 134. None of the funds contained in this Act
23 may be used to fund or otherwise support the action of
24 District of Columbia, et al., v. Beretta U.S.A. et al. (Nos.

1 03–CV–24, 03–CV–38, District of Columbia Court of Ap-
2 peals).

3 **TITLE IV—DC PARENTAL** 4 **CHOICE**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “DC Parental Choice
7 Incentive Act of 2003”.

8 **SEC. 402. FINDINGS.**

9 The Congress finds the following:

10 (1) Parents are best equipped to make decisions
11 for their children, including the educational setting
12 that will best serve the interests and educational
13 needs of their child.

14 (2) For many parents in the District of Colum-
15 bia, public school choice provided for under the No
16 Child Left Behind Act of 2001 is inadequate due to
17 capacity constraints within the public schools.
18 Therefore, in keeping with the spirit of the No Child
19 Left Behind Act of 2001, school choice options, in
20 addition to those already available to parents in the
21 District of Columbia (such as magnet and charter
22 schools and open enrollment schools) should be made
23 available to those parents.

24 (3) In the most recent mathematics assessment
25 on the National Assessment of Educational Progress

1 (NAEP), administered in 2000, a lower percentage
2 of 4th-grade students in DC demonstrated pro-
3 ficiency than was the case for any State. Seventy-six
4 percent of DC fourth-graders scored at the “below
5 basic” level and of the 8th-grade students in the
6 District of Columbia, only 6 percent of the students
7 tested at the proficient or advanced levels, and 77
8 percent were below basic. In the most recent NAEP
9 reading assessment, in 1998, only 10 percent of DC
10 fourth-graders could read proficiently, while 72 per-
11 cent were below basic. At the 8th-grade level, 12
12 percent were proficient or advanced and 56 percent
13 were below basic.

14 (4) A program enacted for the valid secular
15 purpose of providing educational assistance to low-
16 income children in a demonstrably failing public
17 school system is constitutional under *Zelman v. Sim-*
18 *mons-Harris* if it is neutral with respect to religion
19 and provides assistance to a broad class of citizens
20 who direct government aid to schools solely as a re-
21 sult of their independent private choices.

22 **SEC. 403. PURPOSE.**

23 The purpose of this title is to provide low-income par-
24 ents residing in the District of Columbia, particularly par-
25 ents of students who attend elementary or secondary

1 schools identified for improvement, corrective action, or
2 restructuring under section 1116 of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C. 6316), with
4 expanded opportunities for enrolling their children in high-
5 er-performing schools in the District of Columbia.

6 **SEC. 404. GENERAL AUTHORITY.**

7 (a) **AUTHORITY.**—From funds appropriated to carry
8 out this title, the Secretary shall award grants on a com-
9 petitive basis to eligible entities with approved applications
10 under section 405 to carry out activities to provide eligible
11 students with expanded school choice opportunities. The
12 Secretary may award a single grant or multiple grants,
13 depending on the quality of applications submitted and the
14 priorities of this title.

15 (b) **DURATION OF GRANTS.**—The Secretary may
16 make grants under this section for a period of not more
17 than 5 years.

18 **SEC. 405. APPLICATIONS.**

19 (a) **IN GENERAL.**—In order to receive a grant under
20 this title, an eligible entity shall submit an application to
21 the Secretary at such time, in such manner, and accom-
22 panied by such information as the Secretary may require.

23 (b) **CONTENTS.**—The Secretary may not approve the
24 request of an eligible entity for a grant under this title
25 unless the entity's application includes—

1 (1) a detailed description of—

2 (A) how the entity will address the prior-
3 ities described in section 406;

4 (B) how the entity will ensure that if more
5 eligible students seek admission in the program
6 than the program can accommodate, eligible
7 students are selected for admission through a
8 random selection process which gives weight to
9 the priorities described in section 406;

10 (C) how the entity will ensure that if more
11 participating eligible students seek admission to
12 a participating school than the school can ac-
13 commodate, participating eligible students are
14 selected for admission through a random selec-
15 tion process;

16 (D) how the entity will notify parents of el-
17 igible students of the expanded choice opportu-
18 nities;

19 (E) the activities that the entity will carry
20 out to provide parents of eligible students with
21 expanded choice opportunities through the
22 awarding of scholarships under section 407(a);

23 (F) how the entity will determine the
24 amount that will be provided to parents for the

1 tuition, fees, and transportation expenses, if
2 any;

3 (G) how the entity will seek out private el-
4 ementary and secondary schools in the District
5 of Columbia to participate in the program, and
6 will ensure that participating schools will meet
7 the applicable requirements of this title and
8 provide the information needed for the entity to
9 meet the reporting requirements of this title;

10 (H) how the entity will ensure that partici-
11 pating schools are financially responsible;

12 (I) how the entity will address the renewal
13 of scholarships to participating eligible stu-
14 dents, including continued eligibility; and

15 (J) how the entity will ensure that a ma-
16 jority of its voting board members or governing
17 organization are residents of the District of Co-
18 lumbia; and

19 (2) an assurance that the entity will comply
20 with all requests regarding any evaluation carried
21 out under section 409.

22 **SEC. 406. PRIORITIES.**

23 In awarding grants under this title, the Secretary
24 shall give priority to applications from eligible entities who
25 will most effectively—

1 (1) give priority to eligible students who, in the
2 school year preceding the school year for which the
3 eligible student is seeking a scholarship, attended an
4 elementary or secondary school identified for im-
5 provement, corrective action, or restructuring under
6 section 1116 of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6316);

8 (2) target resources to students and families
9 that lack the financial resources to take advantage
10 of available educational options;

11 (3) provide students and families with the
12 widest range of educational options; and

13 (4) serve students of varying ages and grade
14 levels.

15 **SEC. 407. USE OF FUNDS.**

16 (a) SCHOLARSHIPS.—

17 (1) IN GENERAL.—Subject to paragraph (2)
18 and (3), a grantee shall use the grant funds to pro-
19 vide eligible students with scholarships to pay the
20 tuition, fees, and transportation expenses, if any, to
21 enable them to attend the District of Columbia pri-
22 vate elementary or secondary school of their choice.
23 Each grantee shall ensure that the amount of any
24 tuition or fees charged by a school participating in
25 the grantee’s program under this title to an eligible

1 student participating in the program does not exceed
2 the amount of tuition or fees that the school custom-
3 arily charges to students who do not participate in
4 the program.

5 (2) PAYMENTS TO PARENTS.—A grantee shall
6 make scholarship payments under the program
7 under this title to the parent of the eligible student
8 participating in the program, in a manner which en-
9 sures that such payments will be used for the pay-
10 ment of tuition, fees, and transportation expenses (if
11 any), in accordance with this title.

12 (3) AMOUNT OF ASSISTANCE.—

13 (A) VARYING AMOUNTS PERMITTED.—Sub-
14 ject to the other requirements of this section, a
15 grantee may award scholarships in larger
16 amounts to those eligible students with the
17 greatest need.

18 (B) ANNUAL LIMIT ON AMOUNT.—The
19 amount of assistance provided to any eligible
20 student by a grantee under a program under
21 this title may not exceed \$7,500 for any aca-
22 demic year.

23 (b) ADMINISTRATIVE EXPENSES.—A grantee may
24 use not more than 3 percent of the amount provided under
25 the grant each year for the administrative expenses of car-

1 rying out its program under this title during the year, in-
2 cluding—

3 (1) determining the eligibility of students to
4 participate;

5 (2) providing information about the program
6 and the schools involved to parents of eligible stu-
7 dents;

8 (3) selecting students to receive scholarships;

9 (4) determining the amount of scholarships and
10 issuing them to eligible students;

11 (5) compiling and maintaining financial and
12 programmatic records; and

13 (6) providing funds to assist parents in meeting
14 expenses that might otherwise preclude the partici-
15 pation of their child in the program.

16 **SEC. 408. NONDISCRIMINATION.**

17 (a) IN GENERAL.—A school participating in any pro-
18 gram under this title shall not discriminate on the basis
19 of race, color, national origin, or sex in participating in
20 the program.

21 (b) APPLICABILITY AND CONSTRUCTION WITH RE-
22 SPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

23 (1) APPLICABILITY.—Notwithstanding sub-
24 section (a) or any other provision of law, it shall not
25 be considered discrimination on the basis of sex for

1 a school that is operated by, supervised by, con-
2 trolled by, or connected to a religious organization to
3 take sex into account to the extent that failing to do
4 so would be inconsistent with the religious tenets or
5 beliefs of the school.

6 (2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVI-
7 TIES.—Notwithstanding subsection (a) or any other
8 provision of law, a parent may choose and a school
9 may offer a single-sex school, class, or activity.

10 (3) CONSTRUCTION.—With respect to discrimi-
11 nation on the basis of sex, nothing in subsection (a)
12 shall be construed to require any person or public or
13 private entity to provide or pay, or to prohibit any
14 such person or entity from providing or paying, for
15 any benefit or service, including the use of facilities,
16 related to an abortion. Nothing in the preceding sen-
17 tence shall be construed to permit a penalty to be
18 imposed on any person or individual because such
19 person or individual is seeking or has received any
20 benefit or services related to a legal abortion.

21 (c) CHILDREN WITH DISABILITIES.—Nothing in this
22 title may be construed to alter or modify the provisions
23 of the Individuals with Disabilities Education Act.

24 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, a school participating in any pro-
3 gram under this title which is operated by, super-
4 vised by, controlled by, or connected to, a religious
5 organization may employ persons of the same reli-
6 gion to the extent determined by that school to pro-
7 mote the religious purpose for which the school is es-
8 tablished or maintained.

9 (2) RELIGIOUS PURPOSES.—Notwithstanding
10 any other provision of law, funds made available
11 under this title may be used for religious educational
12 purposes, and no participating school shall be re-
13 quired to remove religious art, icons, scriptures, or
14 other symbols. A participating school may retain re-
15 ligious terms in its name, select its board members
16 on a religious basis, and include religious references
17 in its mission statements and other chartering or
18 governing documents.

19 (e) RULE OF CONSTRUCTION.—A scholarship (or any
20 other form of support provided to parents of eligible stu-
21 dents) under this title shall be considered assistance to
22 the student and shall not be considered assistance to the
23 school that enrolls the eligible student. The amount of any
24 scholarship (or other form of support provided to parents
25 of an eligible student) under this title shall not be treated

1 as income of the parents for purposes of Federal tax laws
2 or for determining eligibility for any other Federal pro-
3 gram.

4 **SEC. 409. EVALUATIONS.**

5 (a) IN GENERAL.—

6 (1) DUTIES OF SECRETARY.—The Secretary
7 shall—

8 (A) conduct an evaluation using the
9 strongest possible research design for deter-
10 mining the effectiveness of the programs funded
11 under this title that addresses the issues de-
12 scribed in paragraph (2); and

13 (B) disseminate information on the impact
14 of the programs in increasing the student aca-
15 demic achievement of participating students, as
16 well as other appropriate measures of student
17 success, and on the impact of the programs on
18 students and schools in the District of Colum-
19 bia.

20 (2) ISSUES TO BE EVALUATED.—The issues de-
21 scribed in this paragraph include the following:

22 (A) A comparison of the academic achieve-
23 ment of students who participate in the pro-
24 grams funded under this title with the academic

1 achievement of students of similar backgrounds
2 who do not participate in such programs.

3 (B) The success of the programs in ex-
4 panding choice options for parents.

5 (C) The reasons parents choose for their
6 children to participate in the programs.

7 (D) A comparison of the retention rates,
8 dropout rates, and (if appropriate) graduation
9 and college admission rates of students who
10 participate in the programs funded under this
11 title with the retention rates, dropout rates, and
12 (if appropriate) graduation and college admis-
13 sion rates of students of similar backgrounds
14 who do not participate in such programs.

15 (E) The impact of the program on stu-
16 dents and public elementary and secondary
17 schools in the District of Columbia.

18 (F) A comparison of the safety of the
19 schools attended by students who participate in
20 the programs and the schools attended by stu-
21 dents who do not participate in the programs.

22 (G) Such other issues as the Secretary
23 considers appropriate for inclusion in the eval-
24 uation.

1 (b) REPORTS.—The Secretary shall submit to the
2 Committees on Appropriations, Education and the Work-
3 force, and Government Reform of the House of Represent-
4 atives and the Committees on Appropriations, Health,
5 Education, Labor, and Pensions, and Governmental Af-
6 fairs of the Senate—

7 (1) annual interim reports not later than De-
8 cember 1 of each year for which a grant is made
9 under this title on the progress and preliminary re-
10 sults of the evaluation of the programs funded under
11 this title; and

12 (2) a final report not later than 1 year after the
13 final year for which a grant is made under this title
14 on the results of the evaluation of the programs
15 funded under this title.

16 (c) PUBLIC AVAILABILITY.—All reports and under-
17 lying data gathered pursuant to this section shall be made
18 available to the public upon request, in a timely manner
19 following submission of the applicable report under sub-
20 section (b), except that personally identifiable information
21 shall not be disclosed or made available to the public.

22 (d) LIMIT ON AMOUNT EXPENDED.—The amount ex-
23 pended by the Secretary to carry out this section for any
24 fiscal year may not exceed 3 percent of the total amount
25 appropriated to carry out this title for the fiscal year.

1 **SEC. 410. REPORTING REQUIREMENTS.**

2 (a) **ACTIVITIES REPORTS.**—Each grantee receiving
3 funds under this title during a year shall submit a report
4 to the Secretary not later than July 30 of the following
5 year regarding the activities carried out with the funds
6 during the preceding year.

7 (b) **ACHIEVEMENT REPORTS.**—

8 (1) **IN GENERAL.**—In addition to the reports
9 required under subsection (a), each grantee shall,
10 not later than September 1 of the year during which
11 the second academic year of the grantee's program
12 is completed and each of the next 2 years thereafter,
13 submit a report to the Secretary regarding the data
14 collected in the previous 2 academic years con-
15 cerning—

16 (A) the academic achievement of students
17 participating in the program;

18 (B) the graduation and college admission
19 rates of students who participate in the pro-
20 gram, where appropriate; and

21 (C) parental satisfaction with the program.

22 (2) **PROHIBITING DISCLOSURE OF PERSONAL**
23 **INFORMATION.**—No report under this subsection
24 may contain any personally identifiable information.

25 (c) **REPORTS TO PARENT.**—

1 (1) IN GENERAL.—Each grantee shall ensure
2 that each school participating in the grantee’s pro-
3 gram under this title during a year reports at least
4 once during the year to the parents of each of the
5 school’s students who are participating in the pro-
6 gram on—

7 (A) the student’s academic achievement, as
8 measured by a comparison with the aggregate
9 academic achievement of other participating
10 students at the student’s school in the same
11 grade or level, as appropriate, and the aggre-
12 gate academic achievement of the student’s
13 peers at the student’s school in the same grade
14 or level, as appropriate; and

15 (B) the safety of the school, including the
16 incidence of school violence, student suspen-
17 sions, and student expulsions.

18 (2) PROHIBITING DISCLOSURE OF PERSONAL
19 INFORMATION.—No report under this subsection
20 may contain any personally identifiable information,
21 except as to the student who is the subject of the
22 report to that student’s parent.

23 (d) REPORT TO CONGRESS.—The Secretary shall
24 submit to the Committees on Appropriations, Education
25 and the Workforce, and Government Reform of the House

1 of Representatives and the Committees on Appropriations,
2 Health, Education, Labor, and Pensions, and Govern-
3 mental Affairs of the Senate an annual report on the find-
4 ings of the reports submitted under subsections (a) and
5 (b).

6 **SEC. 411. OTHER REQUIREMENTS FOR PARTICIPATING**
7 **SCHOOLS.**

8 (a) **ADMISSION OF ELIGIBLE STUDENTS.**—Each
9 school choosing to participate in a program funded under
10 this title shall accept any participating eligible student on
11 a religious-neutral basis, except that if the school has more
12 participating eligible students seeking admission than it
13 can accommodate, the school shall accept participating eli-
14 gible students through a religious-neutral, random selec-
15 tion process, consistent with section 405(b)(1)(C).

16 (b) **REQUESTS FOR DATA AND INFORMATION.**—Each
17 school participating in a program funded under this title
18 shall comply with all requests for data and information
19 regarding evaluations conducted under section 409(a).

20 (c) **RULES OF CONDUCT AND OTHER SCHOOL POLI-**
21 **CIES.**—Subject to section 408, a participating school may
22 require eligible students to abide by any rules of conduct
23 and other requirements applicable to all other students at
24 the school.

1 **SEC. 412. DEFINITIONS.**

2 As used in this title:

3 (1) **ELEMENTARY SCHOOL.**—The term “elemen-
4 tary school” has the meaning given that term in sec-
5 tion 9101 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 7801).

7 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
8 ty” means any of the following:

9 (A) An educational entity of the District of
10 Columbia Government.

11 (B) A nonprofit organization.

12 (C) A consortium of nonprofit organiza-
13 tions.

14 (3) **ELIGIBLE STUDENT.**—The term “eligible
15 student” means a student who is a resident of the
16 District of Columbia and who comes from a house-
17 hold whose income does not exceed 185 percent of
18 the poverty line applicable to a family of the size in-
19 volved.

20 (4) **PARENT.**—The term “parent” has the
21 meaning given that term in section 9101 of the Ele-
22 mentary and Secondary Education Act of 1965 (20
23 U.S.C. 7801).

24 (5) **POVERTY LINE.**—The term “poverty line”
25 has the meaning given that term in section 9101 of

1 the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 7801).

3 (6) SECONDARY SCHOOL.—The term “sec-
4 ondary school” has the meaning given that term in
5 section 9101 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 7801).

7 (7) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

9 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to carry out
11 this title \$10,000,000 for fiscal year 2004 and such sums
12 as may be necessary for each of the 4 succeeding fiscal
13 years.

14 This Act may be cited as the “District of Columbia
15 Appropriations Act, 2004”.

Passed the House of Representatives September 9,
2003.

Attest:

JEFF TRANDAHL,

Clerk.

Calendar No. 278

108TH CONGRESS
1ST SESSION

H. R. 2765

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

SEPTEMBER 10, 2003

Received; read twice and placed on the calendar